



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
2 NAVY ANNEX  
WASHINGTON, DC 20380-1775

MCO 5090.4  
LFL  
6 Oct 2003

MARINE CORPS ORDER 5090.4

From: Commandant of the Marine Corps  
To: Distribution List

Subj: CONSERVATION LAW ENFORCEMENT PROGRAM

Ref: (a) 16 U.S.C. Conservation  
(b) 32 CFR, Vol. 1. Part 190.4 and 7  
(c) DOD Directive 5210.56 of 24 Jan 2002  
(d) DOD Instruction 4715.3 of 3 May 1996  
(e) SECNAVINST 5090.8  
(f) MCO P5090.2A

Encl: (1) Conservation Law Enforcement Program

1. Purpose. To establish policy and direction for the administration of the Conservation Law Enforcement Program on Marine Corps installations.

2. Information. References (a) through (f) require the Marine Corps to enforce laws primarily aimed at protecting natural and cultural resources as an integral part of a natural resources program. This enforcement is to be coordinated with or under the direction of the installation natural resources manager. In the past, there has been no Marine Corps-wide guidance on implementing this requirement. Operating without standardized policies, guidelines, commission authority, and training requirements potentially exposes installation commanders to safety, liability, and regulatory compliance issues. This Order will standardize the following conservation law enforcement objectives:

- a. Conservation Law Enforcement Program organizational structure and reporting procedures.
- b. Conservation law enforcement officer pre-requisites.
- c. Conservation law enforcement officer training.

DISTRIBUTION STATEMENT A: Approved for public release;  
distribution is unlimited.

d. Conservation law enforcement officer commission and credentials.

e. Conservation law enforcement officer firearms rules and regulations.

f. Conservation law enforcement officer uniform, equipment, and vehicle requirements.

g. Civilian general service position series for conservation law enforcement officers.

3. Action. Each affected installation commander is to incorporate the policy and guidelines of the enclosure into their respective installation orders upon the next revision. Installation orders affected include those under responsibility of the provost marshal, environmental directorate, logistics officer, counsel, and civilian personnel.

4. Reserve Applicability. This Order is applicable to the Marine Corps Total Force installations, commands, detachments, and units that are required to have an Integrated Natural and/or Cultural Resource Management Plan in accordance with reference (f).



W. L. NYLAND  
Assistant Commandant  
of the Marine Corps

DISTRIBUTION: 10207187300

Copy to: 7000260 (2)  
7000144/8145001 (1)

CONSERVATION LAW ENFORCEMENT PROGRAM

TABLE OF CONTENTS

SECTION	PAGE
I. Authority and Policy to Enforce Conservation Laws	3
II. Conservation Law Enforcement Program Location and Reporting Procedures	7
III. Training Requirements for Federal Laws, Firearms, Requalification, and Equipment	9
IV. Firearms Standard Issue, Ammunition, Carry Transport, and Maintenance Requirements	15
V. Commission, Credential, Uniform, and Equipment	20
VI. Use of Force Policy and Procedures	24
VII. Civilian General Service Position Series for Conservation Officers	27
Appendix A to Enclosure 1, Marine Corps and U.S. Fish and Wildlife Service Memorandum of Agreement	
Appendix B to Enclosure 1, Transportation of Firearms on Commercial Aircraft	
Appendix C to Enclosure 1, Estimated Uniform Costs and Recommended Manufacturers	
Appendix D to Enclosure 1, Weapons Discharge, Use of Force, and Board of Review Composition	

This Page Intentionally Left Blank

## CONSERVATION LAW ENFORCEMENT PROGRAM

### Section I. Authority and Policy to Enforce Conservation Laws

A. Purpose. The purpose of the Conservation Law Enforcement Program is to ensure the sustained use of military lands for readiness activities by enforcement of applicable Federal and State laws, as implemented by base instructions and regulations, for the protection of sensitive natural and cultural resources.

1. A well-trained, professional staff will conduct conservation law enforcement.

2. Conservation law enforcement officers, will conduct a range of complex law enforcement activities to enforce natural and cultural resources laws; such as, investigating fish and wildlife crimes, patrolling, surveillance, interviewing witnesses, interrogating suspects, and searching for physical evidence and clues.

3. Conservation officers may also be involved in conducting seizure of wildlife or archaeological contraband, equipment and vehicles, securing and serving warrants, making arrests, and testifying in Federal and State courts.

4. Preparation of position descriptions for conservation officers will consider the mission of the Conservation Law Enforcement Program, as discussed in paragraph E1 and in Section VII of this enclosure.

5. Bargaining Obligations. The provisions of this Order will not apply to conservation officers who are members of bargaining units until all bargaining obligations with the exclusive representatives of those employees have been met.

### B. Authority

1. U.S.C., Title 16, Chapter 5C, Subchapter 1, Section 670e.1. All Federal laws relating to the management of natural resources on Federal lands may be enforced by the Secretary of Defense with respect to violations of the laws that occur on military installations within the United States.

2. U.S.C., Title 16, Chapter 5C, Subchapter 1, Section 670e.2. To the extent practicable using available resources, the secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resources law enforcement personnel are available and assigned the responsibility to perform tasks necessary to carry out this subchapter, including

the preparation and implementation of integrated natural resources management plans.

3. CFR, Title 32, Section 190.4(j). Enforcement of laws primarily aimed at protecting natural resources is an integral part of a natural resource program and shall be coordinated with or under the direction of the natural resources manager for the affected area. CFR, Title 32, Section 190.4(h), states the management and conservation of natural resources under Department of Defense (DOD) stewardship is an inherently Governmental function. Therefore, 32 CFR 169 does not apply to the management, implementation, planning, or enforcement of DOD natural resources programs.

4. CFR, Title 32, Section 190.7. 3.g. Whenever hunting, fishing, or trapping is allowed on DOD installations, enforcement of wildlife laws shall be addressed in the fish and wildlife management plans and carried out by trained conservation enforcement officials, under the direction of or in coordination with the wildlife manager.

5. DOD Directive 5210.56, Section 5.3 and Enclosure 1.1.1. Authorization to carry firearms shall be granted by the Heads of the DOD components or their designees. Personnel to be issued a firearm shall be briefed thoroughly on their individual responsibilities and shall receive the mandatory training as required by this directive. DOD Directive 5210.56, Enclosure E1.1.5, states that DOD military and civilian personnel regularly assigned to law enforcement or security duties may be given a continuing authorization to carry firearms, provided they pass the required yearly qualification standards.

6. DOD Instruction 4715.3 of 3 May 1996, Section D1.1. Professional natural and cultural resources staff shall oversee the enforcement of applicable laws as an integral part of an installation's conservation program. Section D.1.m of this enclosure states the management and conservation of natural and cultural resources under DOD control; including planning, implementation, and enforcement functions, are inherently Governmental functions that shall not be contracted. DOD components that have contractor operated installations or facilities shall ensure that contract instruments clearly address contractor and Government functions as they relate to natural resources.

7. SECNAVINST 5090.8, Paragraph 1. This instruction establishes policy and assigns responsibilities within the Department of the Navy concerning environmental protection, natural resources, and cultural resources programs.

8. SECNAVINST 5822.1A, Federal Magistrates Act; Implementation by Department of the Navy. Under this system, United States magistrates will preset fines for most misdemeanors, *where permitted by local court rules*, and will allow persons who are charged with such violations, and who neither contest the charge nor wish to have a court hearing, to pay the fine by mail. For military installations, the heart of the United States magistrate system is DD Form 1805. Installation staff judge advocates are encouraged to gain approval from United States district courts to adopt the Regional USFWS forfeiture of collateral schedule for processing violations committed on Marine Corps installations.

9. MCO P5090.2A, Chapter 11, Section 2. Enforcement of laws primarily aimed at protecting natural resources must be an integral part of an installation natural resources program and must be coordinated with, or under the direction of, the installation natural resources manager. Natural resources law enforcement will be conducted by professionals who are properly trained and qualified to implement an effective program.

10. U.S. Fish and Wildlife Service (USFWS)/U.S. Marine Corps (USMC) Memorandum of Agreement (MOA). The USFWS has delegated arrest authority to the Marine Corps, who may re-delegate the authority to conservation law enforcement officers, the power to arrest in the statutes enforced, as expressly authorized under the MOA for Cooperative Law Enforcement between the USFWS and the USMC (appendix A).

C. Policy. Conservation officers shall be properly trained and equipped to carry firearms and non-lethal devices in the performance of their official duties, as provided in statutory authority, to ensure the protection of human life, personal property, and natural and cultural resources found on lands and facilities entrusted to the USMC.

1. This Order establishes uniform policy to standardize law enforcement procedures for natural and cultural resource programs, credentials, training requirements, firearms issuance and use, and grade and general service position series, for conservation law enforcement officers in the performance of their official law enforcement duties.

2. Successful completion of the Federal Law Enforcement Training Center (FLETC), Natural Resource Police Training (NRPT) is required to ensure conservation officers receive the comprehensive training and skills needed to effectively interact with the public, State and Federal agencies, commensurate with Departments of Interior, Transportation, and Homeland Security.

Following completion of NRPT, conservation officers are strongly encouraged to attend criminal investigators school.

D. Procedures. Conservation law enforcement officers, herein after called conservation officers, will be issued an identification card from the installation which grants limited authority to enforce base regulations, pending completion of FLETC NRPT, and upon completion of pre-hire screening. A Federal badge of commission and USFWS Deputy Game Warden identification card, both issued from the Commandant of the Marine Corps (CMC), Land Use and Military Construction Branch (LFL) upon completion of the FLETC NRPT as identified in the USFWS/USMC MOA and this Order.

1. Upon receipt of a Federal badge of commission and Deputy Game Warden identification card, conservation officers shall be authorized search, seize, arrest, active duty and civilian violators, investigate, and issue citations for prosecution in accordance with procedures identified in this Order, the USFWS/USMC MOA, and applicable MOAs between the installation and local USFWS offices.

2. Nothing in this Order shall govern the use of firearms in the performance of non-law enforcement activities by Marine Corps employees and authorized civilian contractors. Non-law enforcement activities in which a firearm may be used include dispatching of injured animals, self-defense against wildlife, predator or wildlife damage control, or similar situations that do not involve the use of a firearm as a force option against a person or persons on military lands.

3. MCO P5580.2A, Marine Corps Law Enforcement Manual, 23 Oct 1998, directs the provost marshal to establish a program for domestic animals that are a nuisance, neglected, abused, or have inflicted a bite. MCO P5580.2A establishes funding sources for potential infectious disease transmission from domestic animals to wildlife, domestic animal control and management. The responsibility for these programs will continue to fall under the provost marshal's office (PMO). Non-domestic wildlife control and management will remain under the Environmental Directorate responsibilities in accordance with MCO P5090.2A.



## Section II. Conservation Law Enforcement Program Location and Reporting Procedures

A. Policy. Conservation law enforcement programs and personnel shall be assigned to the Environmental or Natural Resources Directorate on the installations. This best serves the installation commanders in the implementation of the Integrated Natural and Integrated Cultural Resource Management plans and to promote the maximum availability of land, waters, and airspace to accomplish mission and training requirements.

1. Conservation officers shall normally be civilian personnel who have met probationary and training requirements for the position.

2. Conservation officers will provide support to the installation provost marshal in times of emergency and/or when their expertise is needed. Conservation officer support requirements to the provost marshal, if deemed necessary, will be agreed to and identified in applicable installation orders or standard operating procedures (SOP), or as part of the Integrated Natural Resource Management Plan (INRMP).

3. Conservation officers will inform the provost marshal's office of all criminal activities by completing a Standardized Incident Complaint statement, which will be forwarded to the installation provost marshal's office for inclusion into the Consolidated Law Enforcement Operations Center. Standard incident complaint statistical data will be captured and forwarded to the Department of Justice annually. This will ensure consistency and standardization of information received from each installation.

4. Candidates for new hire conservation officers are required to receive a comprehensive background check that must be complete prior to hiring or attending the FLETC. New hire candidates must not have been convicted in Federal or State court of a misdemeanor crime of domestic violence, or any felony, and shall not be prohibited from possessing firearms, within the meaning of 18 U.S.C. §922(g). Candidates that either fail a background check, medical check, FLETC NRPT, or mandatory probationary requirements may be either reassigned to non-law enforcement duties or terminated. This decision will be made at the installation and decided on a case-by-case basis.

### B. Procedures

1. Frequency of reporting criminal activity to the provost marshal will be determined at the installation level and identified in the respective installation order or SOP.

6 Oct 2003

Normally, incidents will be reported to the PMO within 24 hours. Communication between conservation officers and the military police is paramount. The installation PMO shall provide access to the PMO first responder communication system for daily operations to the conservation officers. Communication equipment compatible with the PMOs existing system; such as radios and cell phones, will be funded through the Environmental Directorate budget. The rapport between conservation officers and military police must be fostered to ensure proper support and safety for all agencies. Conservation officers and military police will develop close working relations with the Naval Criminal Investigative Service (NCIS), USFWS, State Historic Preservation offices, and State Fish and Game offices to share information and promote safe and effective programs.

2. Conservation officers will be responsible for the investigation and arrest of persons or parties suspected of violating the criminal laws and regulations in which they are delegated to enforce in accordance with the MOA with USFWS at appendix a.

Section III. Training Requirements For Federal Laws, Firearms,  
Requalification, and Equipment

A. Federal Conservation Law Enforcement Education and  
Training

1. Natural Resources, Marine Resources, and Endangered  
Species Act Training. Conservation officers must be trained to  
enforce natural resource laws including the Marine Mammal  
Protection Act, Endangered Species Act, and Migratory Bird Treaty  
Act as applicable to resources found on the installation.  
Conservation officers should serve to ensure training units  
comply with requirements of a biological opinion issued by USFWS,  
in accordance with the Endangered Species Act. Suggested  
agencies that offer training include:

- a. CECOS - Civil Engineer Corps Officer School (CECOS),  
Natural Resources Compliance.
- b. National Military Fish and Wildlife Association,  
Natural Resources Law Enforcement Training.
- c. CECOS - National Environmental Policy Act.
- d. USFWS - National Conservation Training Center.
- e. Bureau of Land Management, National Training  
Center.

2. Cultural and Historic Resource Law Training.  
Installations that have cultural and historic resources that  
warrant resource protection and enforcement under the  
Archaeological Resource Protection Act of 1979, Native American  
Graves and Repatriation Act of 1979, National Historic  
Preservation Act of 1966, American Antiquities Act of 1996 and  
other State or local laws, shall ensure conservation officers  
receive applicable training to enforce these laws. Installations  
shall determine the frequency and type of training courses for  
conservation officers to meet historic and archaeological  
resource protection requirements. Suggested agencies that offer  
training include:

- a. CECOS.
- b. Bureau of Land Management, Western states.
- c. USFWS National Conservation Training Center.
- d. FLETC Archaeological Resources Protection Act Course.

- e. National Historic Preservation Advisory Council,  
Introduction to Federal Projects & Historic Preservation  
Law

3. Environmental Compliance Enforcement Training.  
Installation environmental directorates will decide who is responsible for monitoring or reporting of criminal activities associated with the Resource Conservation and Recovery Act of 2002. Either qualified personnel who work in the environmental compliance programs or conservation officers may be used. Whomever the Environmental Directorate deems appropriate for enforcement and/or reporting duties, they shall ensure personnel receive training that is commensurate with assigned responsibilities. Suggested agencies that offer training include:

- a. US EPA - 40 hour Hazardous Waste Training.
- b. CECOS - Environmental Protection.
- c. CECOS - Hazardous Waste Handling & Operations.

4. Training Officer Functions, Responsibilities, and Training. Installations must have a training officer to oversee requirements for firearms training, requalification, records, storage, handling, and carry of firearms. The chief conservation officer shall be designated as the training officer. If the base only has one conservation officer, he or she, or the supervisor of the conservation officer, may serve as the training officer and collaborate with the installation provost marshal, and/or cooperating Federal or State agencies, as needed. If the base has more than one conservation officer, the chief conservation officer may appoint and designate one of the positions as the training officer. Supervisors of conservation officers are highly recommended to attend law enforcement officers training. Suggested agencies that offer training include:

- a. FLETC, Basic Law Enforcement Supervisor's Training Program.
- b. U.S. National Wildlife Refuge System.
- c. U.S. National Park Service.
- d. U.S. Forest Service.

B. Firearms Training. Conservation officers shall complete the FLETC NRPT in order to receive a USFWS Deputy Game Warden identification card and Federal badge of commission, which will

be issued by CMC (LFL). Refer to Section IV for details on credentials and grandfather clause.

1. Sidearms

a. Initial training in the use of an approved sidearm shall be accomplished by the conservation officer's successful completion of the NRPT, as administered by the FLETC. All conservation officers must fire a minimum score of 80 percent or better on the course of fire utilized for qualification purposes during this basic training. The inability of a conservation officer to qualify at the 80 percent or better level will result in his or her failure to successfully complete this required basic training. The inability to requalify at 80 percent or better may be grounds for termination of employment.

b. Sidearm Specific Training. The initial training referred to in paragraph IIIB1.a, above, must be specific to the type of sidearm that the conservation officer will be issued and used in the line of duty. If a different type of sidearm was used during initial training, the officer must successfully complete the appropriate firearms qualification program for the weapon he or she will be issued. The section's training officer shall specify the appropriate firearms qualification program.

c. The appropriate firearms qualification training must be completed prior to the conservation officer being issued a sidearm of a different type than the one used during initial training. After receiving this training, the officer must be issued an appropriate weapon within 90 days. If the sidearm cannot be issued within this 90-day time frame, a refresher training course authorized by the training officer will have to be completed.

2. Shotguns. Initial training in the use of an approved shotgun will be accomplished during the conservation officer's successful completion of the NRPT, as administered by FLETC. If the officer has not received this initial training, he or she must demonstrate proficiency with the shotgun by qualifying in accordance with the standard shotgun qualification course, as discussed in section IIIC, below.

3. Rifles. Conservation officers are authorized to carry approved rifles for official duty only when they have successfully completed the required rifle training specified by the training officer.

4. Firearms Transition Training. Each installation will have a Certified Firearms Instructor to fulfill the tasks discussed in paragraph IIID below. However, it may take 3 to 5

years until the installations can fulfill that role. Therefore, transition training and qualification on a new sidearm, shotgun, or rifle is available at MCB Quantico, but not mandatory by the CMC (LFL) or MCB Quantico, for those who find it advantageous. The certified firearms instructors at MCB Quantico may be reached at DSN 278-5218 or 703-784-5218, extension 249 or 250, to schedule firearm transition training.

C. Firearms Qualification and Re-qualification Training

1. Initial qualification by all conservation officers will be accomplished by firing a minimum score of 80 percent or better during the NRPT.

2. Following initial qualification, all conservation officers shall receive a minimum of 4 hours of firearms training annually. In addition, every conservation officer must re-qualify every 6 months with each duty weapon they carry. Re-qualification shall be accomplished by firing for record the required score of at least 80 percent on an authorized course of fire for each weapon that will be carried for law enforcement purposes. Conservation officers will also receive refresher or additional training in weapons handling, tactics, and other firearms skills necessary to effectively and safely use the weapons.

3. All conservation officers must fire an authorized reduced-light course annually with all firearms they are required to carry.

4. Scores. All scores fired for record during initial qualification and re-qualification must be fired under the supervision of a certified firearms instructor.

5. Records. The chief conservation officer, or the training officer, of each Marine Corps installation shall maintain all firearms records referred to in this Order. This official record shall only indicate that the conservation officer passed or failed the qualification or requalification standard. These records must be maintained for not less than 5 years. The records shall indicate the date of firing, time of day, weather conditions, course of fire, number of rounds, ammunition type, weapon used, and range location. In addition, the records shall identify the certified firearms instructor under whose supervision the firing occurred and note any specialized instructions given to individual shooters.

6. Targets. All scores fired for record shall be fired on approved targets. Approved targets are specified for each course

of fire. The firing of a score for record on any target not specified in each course of fire shall require the prior approval of the training officer, and shall be noted on the firearms training record.

7. Authorized Courses of Fire. Courses of fire used for requalification shall meet the USFWS approved courses of fire for qualifying and requalifying service law enforcement officers, for that specific handgun, rifle, shotgun, or low-light course.

8. Other Courses of Fire. If under unusual circumstances, a conservation officer is unable to fire on an approved course of fire due to a remote duty station location, no appropriate firing range facilities, or other limiting factor; the officer may requalify on any approved practical police course used by any police agency in the surrounding area. All the other requirements in this chapter shall remain the same.

#### D. Firearms Instructors and Armorers

1. Certified Firearms Instructors. The Head, Environmental Directorate; Head Natural Resources Section; or chief conservation officer shall select an individual to serve as a certified firearms instructor. The primary role of the firearms instructor is to oversee firearms training, requalification, and weapon familiarization at the field level for those personnel with conservation law enforcement authority. The firearms instructor is responsible for planning, organizing, implementing, and evaluating the firearms training program in his or her section.

a. Qualifications. A certified firearms instructor is required to graduate from a Firearms Instructor Training Course at the FLETC or an equivalent course of instruction approved by another Federal Law Enforcement Agency (e.g., Drug Enforcement Agency, FBI) to remain certified and perform as the certified firearms instructor.

b. Firearms Instructors Manual. Firearms instructors are responsible for the development, coordination, issuance, and revision of the firearms instructor manual. The firearms instructor manual contains applicable copies of the Marine Corps Natural Resources Law Enforcement firearms policies and guidelines; approved courses of fire, lesson plans, requalification reporting procedures and formats, and other information deemed necessary for proper administration of the firearms program.

2. Firearms Instructors Refresher Training. Certified firearms instructors must successfully complete refresher

training session every 3 years. The refresher training shall be the FLETC Instructor Refresher Training or a firearm instructor refresher course conducted or approved by another Federal law enforcement agency.

3. Civilian Non-Marine Corps Firearms Instructors. When special circumstances exist and a certified firearms instructor is not available to conduct requalification, this duty may be performed by a certified firearms instructor employed and designated by any bona fide Federal, State, county, or municipal police agency. The appropriate qualification forms must be completed for any requalification conducted by the certified firearms instructors. When appropriate, large size Marine Corps installations shall support Marine Corps bases that have only one conservation officer.

4. Designated Armorers. Designated armorers will receive training and certification to perform routine inspection, maintenance, and repair of duty firearms. Designated armorers must graduate from a factory sponsored training course for the specific firearm(s) for which certification is required, and successfully meet all factory recertification requirements. Designated armorers shall be appointed by the Head Environmental Directorate, Natural Resources Section, or chief conservation officer to receive training and certification. Marine Corps Base Quantico, Natural Resource Environmental Affairs, Conservation Law Enforcement Section, will be the designated armorer for the standard issue sidearm (primary weapon) in the interim transition period of new firearms acquisition, until the installations have their own trained armorer in place. Small installations with only one conservation officer may choose to have MCB Quantico serve as their designated armorer as long as desired.

5. Equipment Training. When the installation utilizes equipment such as watercraft, all-terrain vehicles, chainsaws, radios, batons, oleoresin capsicum spray, etc., the chief conservation officer or Head, Environmental Directorate shall ensure applicable training, instruction, certification and recertification requirements are met.



Section IV. Firearms Standard Issue, Ammunition, Carry,  
Transport, and Maintenance Requirements

A. Policy. Conservation officers must have access to Government issued vehicles, a radio; a cellular telephone; firearms; ammunition; and support equipment 24 hours a day, 7 days per week, to meet routine surveillance, duty, and emergency response requirements. Conservation officers are authorized to have access to and use Government issued equipment, firearms, and ammunition at all times to perform duty requirements and for their safety without having a letter of authorization.

B. Firearms Issue Directive. Firearms, ammunition, and equipment shall be issued to commissioned conservation officers from the Marine Corps Systems Command, Armory, or the Government procurement process available at their installation. If the firearms, ammunition, and equipment items described in this Order are not available through the MARCORSYSCOM Armory, or another Government agency, conservation officers are authorized to acquire firearms and ammunition through local purchase, in accordance with the installation contract office procedures.

1. A Table of Organization (T/O) and Table of Equipment (T/E) are established by this Order. The T/E will establish what type of weapons and ammunition is authorized for the specific position that is authorized on the T/O. The chief conservation officer, who is designated as the certified firearms instructor of the installation, will determine the annual ammunition allocation requirement.

2. The firearms and ammunition requirement and allowance shall be established and published in MCO 8000.2 and Marine Corps Bulletin 8011 via coordination with applicable procedures at each Installation. The requirement shall go to MARCORSYSCOM, Arms, Ammo, and Explosives, who will program it into their Program Objectives Memorandum, to ensure annual acquisition to the requesting unit.

C. Standard Issue Sidearms

1. The standard issue sidearm (primary weapon) for all conservation officers shall be of a composite constructed (steel alloy and or polymer frames) safe action, or semi-automatic pistol in 0.45 caliber. The semi-automatic sidearm will have a magazine capacity of at least 12 rounds; a magazine release mounted on the side of the frame; no external safety, which would require manipulation prior; and no magazine disconnect that would prevent the weapon from being fired with the magazine removed. Due to environmental conditions, the firearm must be of a high corrosive resistant tenifer finish and of a composite lower

receiver. When a conservation officer has physical limitations that may require him or her to use a smaller framed weapon in order to qualify, the officer may elect to use a 0.40 caliber sidearm that meets the same specifications listed above, with a magazine capacity of 15 rounds. Black accessory gear required to carry and transport sidearms and ammunition; such as, magazine pouch, holster and belt, will be issued with the sidearm as a complete component from MARCORSYSCOM.

2. Shotguns and Rifles. The standard issue shotgun shall be a 12-gauge semi-automatic police type weapon with a barrel length of 18 to 21 inches, and fitted with rifle sights or optical/electronic sights. After market replacement barrels are authorized. The standard issue rifle for law enforcement purposes shall be a M-4 colt type semi-automatic in 0.223 caliber (5.56 mm). For non-law enforcement application; such as, depredation and predator control, use of other weapons, and caliber ammunition is advised and authorized through the local purchase procedure and/or through the installation contract office.

3. Ammunition. Only new, commercial factory, or military arsenal manufactured, center-fire rifle ammunition of full metal jacket or jacketed mushrooming or expanding design will be carried or used for law enforcement purposes. Ammunition shall be loaded with metal jacketed or semi-jacketed mushrooming or expanding bullets (hollow-points), 0.45 caliber and 0.40 caliber when required.

a. Ball ammunition may be used for practice, but not when firing a qualification or requalification score for record, nor may they be carried for duty purposes. Conservation officers will qualify and requalify with the same or ballistically equivalent ammunition, which they normally carry on duty.

b. Shotgun ammunition utilized for conservation officer law enforcement duty purposes shall be factory manufactured 12 gauge, number 00 buck, rifled slugs, or other suitable rounds, as recommended by the training officer. Less lethal or specialty rounds needed for non-law enforcement purposes; such as, wildlife damage control, are authorized to be purchased by the installation chief conservation officer, or his designee, and stored in the same conditions as other ammunition.

c. To ensure that all conservation officers remain proficient with their weapons, each officer shall be provided with an appropriate number of rounds to meet all requalification requirements and to practice with each weapon carried. This ammunition shall be in addition to any ammunition provided to the officer for the annual 4-hour firearms training, bi-annual re-

qualification, and once every 3 years for certified firearms instructors, for each weapon used. It shall be the responsibility of the training officer to ensure that this ammunition is provided and fired on an annual basis.

D. Standard Issue Equipment. Conservation officers shall be authorized to obtain, carry, and store the following equipment: handcuffs, flex-cuffs, leg cuffs, and body chains to control, restrain, and transport persons; chemical agent oleoresin capsicum (OC), cuff case, magazine pouch, keepers, badge wallet, pancake holster, batons, belts, and holsters required to carry and transport firearms and ammo; storage-safe unit/container with locking mechanisms; brackets or safety rack for securing firearms inside Government vehicles; night sight, rifle sight, or optical/electronic sight; and emergency code lights for vehicles.

E. Firearms Carry Policy. Commissioned conservation officers shall be authorized to carry firearms at all times. OPNAV Form 5512-2, Authorization to Carry Firearms, shall be issued upon receipt of a badge of commission, and identification. Only issued weapons may be utilized for law enforcement purposes. The carrying of personal weapons for such purposes is prohibited. Firearms and related equipment issued to an officer upon conferral of law enforcement authority shall remain with the officer, as long as he or she retains law enforcement authority at that installation. Upon separation from the Marine Corps or relinquishment of law enforcement authority, all firearms and related equipment will be returned to the chief conservation officer or training officer on base with the appropriate paper work completed. (See appendix B for transportation of firearms on aircraft).

F. Storage. Conservation officers are responsible for the safe and secure storage of all firearms assigned to them. Government firearms that are not routinely carried shall be stored at base facilities in a vault, gun locker, or other location that is secured in such a manner as to substantially reduce the possibility of theft or unauthorized removal and which meets physical security requirements of OPNAVINST 5530.13B., Chapter 4., 0402, Construction Exemptions.

1. Conservation officers may carry firearms that are routinely used for law enforcement operations in duty vehicles. Government firearms carried in vehicles must be secured in locked boxes, trunks, or other locations that will reduce the risk of theft or unauthorized removal, and meet physical security requirements of OPNAVINST 5530.13B Chapter 4., 0403, Storage in Vehicles, Aircraft, and Small Craft.

2. Conservation officers are authorized to store duty weapons at their residence (MCO 5500.6F, paragraph 12.f.) provided appropriate security is provided for the firearms. Family members should be educated not to handle these firearms. Weapons are to be stored under lock and key, unloaded, actions open out of battery, with the ammunition stored separately. Use of Government procured safe storage units with locking mechanisms are authorized for storage of Government issued firearms and ammunition at their home.

G. Non-Government Ammunition and Firearms. Special situations may warrant storage of non-Government issue ammunition and/or firearms (e.g., confiscated from violators on the installation). In those cases, storage is authorized on the installation in an evidence locker in the interim of final disposition.

H. Maintenance. Each conservation officer is responsible for the care and routine cleaning of all assigned firearms. To ensure reliability, all ammunition carried in the firearm and ammunition carriers shall be replaced semi-annually. Conservation officers are not authorized to disassemble any Government firearm beyond the level specified during the training received for that firearm, nor may they or anyone else modify in any way the internal/external parts of any firearm. The addition of after-market grips to a duty sidearm is authorized with the approval of an authorized armorer. Only an armorer, the factory, or another certified armorer, with the approval of the training officer, may perform the addition of accessories or other modifications to Government-owned firearms used for law enforcement purposes.

I. Inspection and Repair. Firearms shall be inspected annually by a certified armorer to ensure that they are functioning properly. Certified armorers may disassemble Government firearms, as necessary, to inspect and analyze problems with the mechanical functioning of the weapon. If a firearm is found to have mechanical modifications that may pose a safety hazard or if malfunctions or excessive wear are observed, the firearm is to be immediately removed from service until repaired or replaced. If immediate repairs are not possible, the officer shall be issued a replacement firearm of the same type until the officer's weapon is repaired. The MCB Quantico Conservation Law Enforcement Office is available to serve as the designated armorer for the standard-issue sidearm (primary weapon) and will issue a replacement, if and when needed, to conservation officers, if an installation chooses not to have their own certified armorer. Firearms found to be unreliable or in need of excessive repair must be surveyed, and if appropriate, replaced. All repairs made to any Government firearm must be documented. The chief

conservation officer or certified firearms instructor shall maintain records of annual firearm inspections and repairs.

J. Immediately upon the loss or theft of any Government firearm, the conservation officer shall verbally inform his or her immediate supervisor, the installation provost marshal, the Naval Criminal Investigation Service, and the pertinent local police jurisdictions. The firearm make, model number, serial number, and caliber will be provided and a memo for the record will be prepared within 48 hours.

K. Use of Weapons by Contract Personnel. Contracts awarded for nuisance animal control or bird-aircraft strike reduction on the installation may authorize contract staff to utilize firearms. Only those weapons that are needed to meet contract objectives are to be authorized, and any weapon brought onto the installation shall meet Federal, State, and installation orders/SOP requirements, as applicable. Contract personnel must meet credentials and training requirements of their employer and not of this Order.

Section V. Commission, Credentials, Uniform, and Equipment

A. Grandfather Clause. Currently employed conservation officers who are trained, qualified, and authorized to carry a firearm at their installation are considered fully qualified for the position held at the time this Order is implemented. (Current job titles may vary, but personnel must have firearms training and be performing enforcement duties as part of their existing position obligations). Personnel who are grandfathered under this provision are highly encouraged to attend FLETC NRPT, as soon as possible after the effective date of this Order. All costs associated with attendance at an appropriate course will be borne by the employing activity. Grandfathered employees applying for promotion in the conservation officer field subsequent to the effective date of this Order must meet all qualification requirements for the grade of the position being sought.

B. Commission Badge and Identification Card. Conservation Officer law enforcement badges of commission and identification cards will be centrally managed by CMC (LFL), upon approval of this Order, using the following procedures:

1. CMC (LFL) will issue an official USFWS Deputy Game Warden Identification card to current conservation officers that meet the grandfather clause or whom have completed FLETC NRPT and completed a one year probationary period following the training. Supervisors of qualified conservation officers shall submit a request letter for badges and a Deputy Game Warden identification card to be issued to each qualifying conservation officer at the installation. The full name, GS series, grade, and/or rank, date of birth, color of eyes, hair, weight, two standard passport photos 1 inch by 1 inch in size, and a copy of the FLETC NRPT certificate or qualifications that validate the conservation officer meets the credential requirements shall be included with the letter. CMC (LFL) shall send the badges and identification card to the installation, or present to the conservation officer during the FLETC graduation ceremony, and keep records of all personnel, badges, and identification cards issued and returned for 5 years following employment termination of the conservation officer. CMC (LFL) will issue three badges to each qualified conservation officer.

2. Upon successful completion of the FLETC NRPT, graduates will receive their credentials at FLETC, or they will return to their base where the installation CG/CO, or his/her representative, will present the USMC conservation officer badge of commission and USFWS Deputy Game Warden identification card.

3. The installation will also issue an identification card to the conservation officer, using a template provided to the installations by CMC (LFL), which is not shown in this Order for security purposes. The installation identification card grants authority to enforce installation regulations and applicable Federal and State laws under Uniform Code of Military Justice (UCMJ) 10 U.S.C. 807.7(b), U.S.C. Title 16, Chapter 5C, Subchapter 1, Section 670e-1, and the Assimilative Crimes Act, 18 U.S.C. § 13. Authority to carry a firearm is granted under U.S.C. Title 10, Subtitle A, Part II, Chapter 81, Section 1585, although a conservation officer is not authorized to carry a firearm for law enforcement purposes until he or she completes FLETC NRPT. The conservation officer shall carry the installation, and when issued, the USFWS identification card at all times when on official duty and whenever armed.

4. Upon termination from a conservation officer position, that individual will surrender his/her badges and identification card to his/her supervisor who shall return the badges to CMC (LFL) within 30 days by certified mail and return receipt.

C. Uniform. The following instructions shall be followed with respect to conservation officer uniforms and accessory items:

1. Badge. The Marine Corps badge of commission shall be worn on the exterior of the left side of his/her uniform shirt. If a uniform jacket is worn, the second badge shall be worn on the exterior left side. The third badge will be concealed in a wallet or similar type leather holder for identification purposes.

2. Patch. A patch signifying a conservation law enforcement officer of the local installation shall be worn on the left shoulder of the shirt. The patch may be an existing one currently in use by base conservation officers, or may be a new one prepared for the natural resource enforcement program. Patches will be designed to represent the local or regional natural resource or outdoor programs at the installation and may be different for each installation.

3. Shirt. Shirts will be a beige or silver/tan color, with a collar, of a standard style for law enforcement. Shirts may be short or long sleeved and with or without pockets, depending on preference and climate needs. Installations may select a polo shirt or tee shirt to be worn while conducting fieldwork. The field shirt will depict a badge, embroidered or ink-printed, of the installation patch on the upper left hand side.

4. Pants. Pants will be a dark forest green or dark brown color. Style of pants (as to number of pockets), with or without cuffs will depend on conservation officer staff preference. A separate set of field pants may be worn which are designed for field conditions and not suitable for professional work environments. Shorts may be worn if desired in warmer climates. Shorts will be dark, forest green, or dark brown in color.

5. Hat. A conservation law enforcement officer hat will be worn which has the conservation logo patch on the front. The installation personnel will choose hat style or design preference.

6. Shoes, Boots, Holster, and Vehicle Insignia. Any other accessories will be chosen by preference of the conservation officers at the installation.

7. Uniform Standardization. Using the guidelines above, the type of dress shirt, pants, field clothes, and overall uniform will be chosen by the chief conservation officer with concurrence from his/her supervisor (and union approval where applicable), based on preference, climate needs, and field conditions at the installation. Once the uniform style and color are selected, all conservation officers at the installation will adhere to wearing it.

8. Uniform Acquisition and Allowance. In an effort to minimize costs, installation staff may purchase uniforms from preferred sources. An initial uniform issue cost allowance of \$400 and an annual uniform maintenance cost of \$350, shall be granted to each conservation officer and funded by the installation. A recommended list of uniform items, manufacturers, and costs is at appendix C. Personnel should select styles as identified, or as close as possible from these manufacturers, if purchasing from other sources for consistency throughout the Marine Corps.

#### D. Equipment

1. Government Vehicles. The number and type of vehicles assigned to conservation officer functions will be based on installation Table of Organization (T/O) to meet mission requirements.

2. Watercraft and All Terrain Vehicles. When standard motor vehicles are not adequate to support monitoring, patrolling, and enforcement duties in remote locations, conservation officers are authorized to obtain all terrain vehicles or watercraft through



the local purchase procedure and/or through the installation contract office.

3. Associated firearms black gear required; such as holsters, belts, magazine cases, cuff cases, shall be part of standard issue items with firearms and ammunition from MARCORSYSCOM.

The table below summarizes authorized equipment:

<b>FIREARM</b>	<b>MODEL</b>	<b>CALIBER</b>
Safe action system. Polymer frame. Magazine capacity of at least 12 rounds (or 15 rounds, 0.40 cal)	Corrosive resistant/ tenifer finish	0.45 (0.40 cal authorized when required)
Bennelli type shotgun 12 gauge	Pump or semi-automatic 18 to 21 inch barrel length	00 buck or rifled slugs
Rifle - Colt M-4 type	Bolt action or semi-automatic	0.223 (5.56mm)
<b>AMMUNITION</b>	<b>MODEL</b>	<b>CALIBER</b>
Metal jacketed or semi-jacketed expanding bullets (hollow-points)		0.45 (0.40 cal authorized when required)
<b>EQUIPMENT</b>	<b>EQUIPMENT</b>	<b>EQUIPMENT</b>
Handcuffs, flex-cuffs, leg cuffs and body chains to control, restrain, and transport persons	Chemical agent Oleoresin Capsicum (OC)	Batons, belts, holsters which are required to carry and transport firearms and ammo
Storage safe unit/container with locking mechanisms	Brackets or safety rack for securing firearms inside Government vehicles	Night sight, rifle sight, or optical/electronic sight
Vehicle emergency code lights	Radios, cell phones	

## Section VI. Use of Force Policy and Procedures

A. Purpose. To establish uniform policy regarding the use of force by Marine Corps conservation officers in the performance of their official duties.

B. Policy

1. Conservation officers may use deadly force only when necessary; that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person. Conservation officers will use only that force necessary and reasonable to overcome the resistance offered by a suspect individual. The level of force used by an officer must not be excessive or unjustified. Conservation officers shall also read, understand, and follow the USFWS Use of Force and Firearms Policies when acting pursuant to the USFWS/USMC MOA.

2. The above policy statements are intended to provide the officer with an understanding of various force options available to them, and to determine when application of a particular option or level of force would be considered legally permissible and reasonably necessary to perform their duties and to protect themselves and others.

3. For the purposes of this paragraph and Section VI of the enclosure, the term conservation officer shall mean any Marine Corps employee authorized to carry and utilize firearms in the performance of their official natural resources or conservation law enforcement duties.

C. Definitions. The following terms and definitions are to be used in the practical application of the use of force:

1. Force. Force is the physical presence, action, or exercise of strength to compel another to act or refrain from certain behavior. It may include physical touching of another, strikes, kicks, chemical agents and other intermediate force weapons, restraints, and firearms.

2. Less than Lethal Force. Force used to control a suspect or prisoner; or other person, when justified; which does not normally result in serious injury or death. This usually includes physical touching of a suspect and may be in the form of control techniques, Oleoresin Capsicum, batons, or restraining devices.

3. Deadly Force. The force that is intended to cause death or serious bodily harm. Most often, deadly force involves the

use of a firearm aimed at a suspect. Deadly force actually encompasses any means or instrumentality which may inflict death or serious bodily injury.

4. Proportionate Use of Force. Conservation officers shall only use that degree of force that is legally permissible, reasonably necessary to perform their duties, and is required to protect themselves and others. The degree of force applied by the conservation officer shall be proportionate to the threat posed by the incident/subject. The amount of force used will depend on the circumstances and facts of a particular incident, and is governed by the following conditions:

a. the degree of force threatened or exhibited by the suspect(s), including the suspect's possession/nonpossession of a deadly weapon; and

b. the conservation officer's perception of the danger of death or serious bodily harm implied by the suspect.

5. Unjustified or Excessive Use of Force. Force without justification or excuse; or the application of force clearly beyond that called for, given the suspect's level of resistance.

D. Levels of Control/Force. The levels of control utilized by conservation officers to overcome a suspect's/individual's resistance are categorized as follows: officer's presence, verbal control, physical control (force), less than lethal force, and lethal force. The level of control/force utilized by a conservation officer should be proportionate to the threat, and is dependent upon the subject's degree of resistance, the conservation officer's perception of that resistance, the level of danger that resistance represents, and whether the resistance is reasonably placing the officer or others in jeopardy of serious bodily harm or death.

E. Restraining Equipment. Conservation officers may routinely use handcuffs, flexcuffs, leg cuffs, and body chains to justifiably control, restrain, and transport persons. Restraining devices shall be applied properly and in accordance with the training received to minimize the risk of unnecessary injury.

F. Chemical Agents

1. Oleoresin Capsicum (OC). The only approved chemical agent that may be used by conservation officers is OC. The Marine Corps recognizes OC as a less than lethal force alternative, which can be used to defend against and control actively resistant or violent offender/individuals. Based on the

conservation officer's reasonable perception that OC is necessary to avoid a physical confrontation, OC may be used prior to hard, empty hand control techniques, impact weapons, or deadly force.

2. Only those conservation officers that have successfully completed approved training in the use of OC are authorized to carry and use this agent. All conservation officers that participate in this training will be exposed (sprayed) with an issue canister of OC. Officers that have successfully completed the training program will only carry Government-owned and issued OC while on duty.

G. Impact Weapons. Conservation officers who have successfully completed the required training are authorized to use a baton (either straight or collapsible) if this level of force is justified. Conservation officers may only use this weapon when the offender is engaged in physically aggressive resistance, which puts the officer at risk of bodily harm. Batons may only be used in accordance with the training received.

H. Fleeing Felon/Self-Defense. The following deadly force policy, adopted from the USFWS, will apply to all conservation officers. A Conservation Officer may only discharge his or her firearm directly at another person when the Conservation Officer reasonably believes that himself or another individual is in imminent danger of death or serious bodily injury.

I. Warning shots. Warning shots can pose a hazard to an innocent person; and therefore, their use is not recommended.

J. Procedures for Weapons Discharge Use of Force and Board of Review. Refer to appendix D.

## Section VII. Civilian General Schedule Position Series for Conservation Officers

A. Policy. Conservation officers shall be employed under guidelines and criteria established by the Office of Personnel Management (OPM), General Schedule (GS) GS-1811 Criminal Investigating series, GS-1813 Fish and Wildlife Inspection series, or the GS-0400 Biological Science series, with law enforcement duties included as applicable. Installation environmental directorates will determine which series is appropriate for base conservation officers.

1. The GS-1811 Criminal Investigation series covers administrative positions that supervise, lead, or perform work that involves planning, conducting, or managing investigations relating to alleged or suspected criminal violations of Federal laws (refer to OPM Draft Classification Standard for GS-1800 Series, 27 Dec 2001). Basic title used for this occupation is "Criminal Investigator." When the GS-1811 series is used, the primary purpose for the existence of the conservation enforcement position should be to perform law enforcement activities through planning, directing, and independently conducting investigations of persons and/or parties who are suspected of offenses against the criminal laws of the United States, specifically the United States statutes pertaining to the protection of fish, wildlife, plants, Federal and State regulations; and other regulations that are issued pursuant to it.

2. The GS-1813 Fish and Wildlife Inspection series covers administrative positions that lead or perform work that involves inspecting, patrolling, enforcing, or providing advice to assure public understanding of and compliance with Federal statutes and regulations for the conservation and protection of fish and wildlife resources (refer to OPM Draft Classification Standard for GS-1800 Series, 27 Dec 2001). Basic titles for this occupation are Wildlife Inspector, Fishery Patrol Inspector, and Game Law Enforcement Inspector.

3. OPM plans to rescind the GS-1812 series and replace it with the GS-1813 series. Installation personnel should be prepared to revise position series from GS-1812 to the appropriate series as applicable when the OPM makes this change effective.

4. The GS-400 Biological Science series includes positions that involve professional work in biology, agriculture, or related natural resource management; such as, ecology, entomology, and plant protection. The GS-400 series, with enforcement duties written into the position description, will

provide flexibility to monitor and implement Integrated Natural Resource Management Plan projects simultaneous with enforcement needs.

5. Environmental directorates, in collaboration with local or regional Human Resource Officers, will decide if installation conservation officers are eligible to receive availability pay, premium pay, Civil Service Retirement System (CSRS) or Federal Employee Retirement System (FERS) benefits, or Law Enforcement Officer Retirement benefits. If job duties and responsibilities meet the criteria of these compensatory programs, supervisory staff will need to ensure subordinate position descriptions are written accordingly to authorize receipt of applicable benefits.

6. Conservation officers entry-level positions shall be no lower than a GS-9. Seasonal or part-time GS-9 positions are acceptable.

7. Position descriptions shall be written by the supervisor of the Conservation Officer to meet enforcement and investigation needs, to include natural and cultural resource management and project implementation duties specific to the installation.

8. Further information on job series criteria can be found on the OPM web site at {HYPERLINK <http://www.opm.gov>}.

Marine Corps and U.S. Fish and Wildlife Service  
Memorandum of Agreement



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
2 NAVY ANNEX  
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:  
5090  
LFL/1

21 MAY 2003

Kevin Adams, Chief,  
Office of Law Enforcement  
U.S. Fish and Wildlife Service  
MS-LE 3000  
4401 N. Fairfax Drive  
Arlington, VA 22203

Dear Mr. Adams:

Attached is a Memorandum of Agreement for cooperative law enforcement for the protection and conservation of fish, wildlife, archaeological, and natural resources on lands controlled by the Marine Corps. Please sign, keep a copy for your files, and return the original to my office.

I am pleased to enter into this cooperative agreement as the mutual benefits to be gained will allow us to better fulfill our resource protection obligations, while providing enhanced stewardship of the public lands entrusted to the Marine Corps.

Ms. Heidi Hirsh of my staff is available to answer any questions you may have regarding this matter. She may be reached at 703-695-8240.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. S. Coleman".

**R. S. COLEMAN**  
Brigadier General, U.S. Marine Corps  
Assistant Deputy Commandant  
Installations and Logistics (Facilities)

**MEMORANDUM OF AGREEMENT**  
**for**  
**Cooperative Law Enforcement**  
**between the**  
**U.S. Fish and Wildlife Service**  
**and the**  
**U.S. Marine Corps**

This Memorandum of Agreement (MOA) is a cooperative agreement entered into under authority of the Fish and Wildlife Revenue Enhancement Act of 1998 (16 U.S.C. Section 742l(b)) between the U.S. Fish and Wildlife Service, hereinafter "Service" or "Chief, Office of Law Enforcement," and the U.S. Marine Corps, hereinafter "USMC." This cooperative agreement shall serve as a master agreement for all USMC installations and U.S. Fish and Wildlife Service law enforcement offices.

Individual installation cooperative agreements may be negotiated and signed by the appropriate Service and USMC representatives. However, individual agreements are not mandatory. Individual agreements that have been signed and are presently in effect shall be updated to reflect the requirements of this Agreement. Individual agreements must comply with this MOA.

Whereas, the Congress of the United States has found that the protection and conservation of fish, wildlife, and other natural and cultural resources is in the best interest of the public and has enacted various laws to provide for protection and conservation of wildlife and native plants.

Whereas, the United States Congress has given the Secretary of the Interior the authority to enforce certain laws dealing with the protection and conservation of fish, wildlife, and other natural resources and this authority has been delegated to the Director of the Service and to certain qualified individuals.

Whereas, the Service and the USMC recognize that mutual benefits will accrue to the law enforcement efforts of each by entering into a Memorandum of Agreement to share law enforcement expertise, training, intelligence information, equipment, and other facilities, and to designate law enforcement officers to efficiently enforce all laws administered by the Service and USMC relating to fish, wildlife, and other natural and cultural resources.

Whereas, the Service has determined that it is necessary and appropriate to utilize certain persons, services, and facilities of the USMC to assist in providing effective enforcement of Federal conservation laws on the lands and waters under USMC jurisdiction.



Whereas, the USMC has determined that it is necessary and appropriate to utilize certain persons, services, and facilities of the Service to assist in providing effective enforcement of Federal conservation laws on the lands and waters under USMC jurisdiction.

Therefore, the parties agree that:

A. Re-Delegation of Federal Authority

(1) Under the authority provided by 16 U.S.C. § 742l(b), the Chief, Office of Law Enforcement, hereby delegates to the USMC and those certain persons designated in accordance with the terms specified herein ("USMC Conservation Law Enforcement Officers") the authority to enforce the following Federal laws dealing with the protection and conservation of fish, wildlife, and natural and cultural resources of the United States and regulations issued pursuant thereto within any limitations prescribed by regulations of the Department of Defense:

Lacey Act and Lacey Act Amendments of 1981 (18 U.S.C. 42, 16 U.S.C. 3371-3378)

Migratory Bird Treaty Act (16 U.S.C. 703-712)

Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa-ll)

Endangered Species Act of 1973 (16 U.S.C. 1531-1544)

Marine Mammal Protection Act (16 U.S.C. 1361-1384, 1401- 1407)

Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718-718k)

Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d)

Airborne Hunting Act (16 U.S.C. 742j-1)

National Wildlife Refuge System Improvement Act (16 U.S.C. 668dd-668ee)

This Agreement does not delegate authority to enforce the import and/or export provisions of the statutes above unless the designee is under the direct supervision of a Service special agent.

(2) The Chief, Office of Law Enforcement specifically delegates to the USMC and the USMC Conservation Law Enforcement Officers the same authority to search, seize, arrest, and exercise other law enforcement functions under the laws specified in paragraph A(1) of this Agreement, as if the USMC and the USMC Conservation Law Enforcement Officers were employed by the Department of the Interior and authorized by the Secretary of the Interior to enforce those laws.

(3) This Agreement between the Service and the USMC may not be used to re-delegate Federal law enforcement authority to any person convicted of a misdemeanor crime of domestic violence or otherwise prohibited from possessing firearms, within the meaning of 18 U.S.C. § 922(g).

B. Designation of Federal Authority by USMC of USMC Conservation Law Enforcement Officers

(1) The USMC, through the Installation Commanding General, may designate individuals to exercise the authority to enforce the conservation laws and regulations of the United States as specified above. This designation may only be to a person who meets criteria (a) or (b) and (c) and (d):

(a) Is presently employed and has been for at least one (1) year as a conservation law enforcement officer at a USMC installation and is trained, qualified, and authorized to carry a firearm and who is assigned conservation law enforcement duties at the installation; or

(b) Completed the Natural Resource Police Training Program, the former Land Management Police Training Program, or the Criminal Investigator Training Program, at the Federal Law Enforcement Training Center (FLETC), and completes a one (1) year probationary period; and who

(c) Is proficient in the use of firearms as demonstrated by meeting the firearms qualification and re-qualification standards required of the USMC installation, complies with the USMC Conservation Law Enforcement Program, and agrees to read, understand, and follow the Service Use of Force and Firearms policies when acting under this Agreement. These policies are attached and will be transmitted to all officers so delegated under this Agreement; and

(d) Has not been convicted of a misdemeanor crime of domestic violence or is not otherwise prohibited from possessing firearms, within the meaning of 18 U.S.C. § 922(g).

(2) The USMC shall notify the Service of the full name, address, date of birth, and social security number of each designee. This designation shall become effective upon the filing of such information with the Service's designated representative. The USMC shall issue an identification card to each designee, along with a copy of this Agreement and the Service Use of Force and Firearms policies.

If at any time, any person designated to exercise authority under this Agreement fails to meet any of the criteria set forth in paragraph B(1) above, terminates DOD employment, or is reassigned to non-law enforcement duties, the USMC shall terminate the designation

when the USMC becomes aware of these circumstances. The USMC will collect that person's identification card and immediately notify the Service.

Information about the addition of designated officers should be provided to the Service within 30 days. The USMC will provide a complete up-to-date list of persons holding authority under this Agreement to the Service by January 15 of each year.

(3) Designated USMC Conservation Law Enforcement Officers may exercise authority to enforce the conservation laws and regulations specified in paragraph A(1) on USMC installations and lands or waters adjacent to installations under exigent circumstances, such as to arrest or detain individuals who are suspected of committing unlawful actions on the USMC installation and then flee. They may exercise this authority anywhere within the jurisdiction of the United States when under the direct supervision of a Service special agent.

(4) The Service may, by written notice to the USMC, terminate any designation made by the USMC.

(5) The USMC shall continue to provide, as appropriate, workmen's compensation in accordance with laws and regulations applicable to USMC civilian employees for work-related injuries incurred by USMC Conservation Law Enforcement Officers while performing duties under this Agreement. Designated individuals may also be considered eligible for compensation under subchapter III of chapter 81 of Title 5, United States Code when activities are initiated and approved by the Service.

(6) While performing duties under this Agreement, USMC Conservation Law Enforcement Officers shall:

(a) Be considered investigative or law enforcement officers of the Department of the Interior for the purposes of the tort claim provisions of Title 28, United States Code and 5 U.S.C. 8401(17); and

(b) Be considered officers or employees of the United States within the meaning of section 111 and 1114 of Title 18, United States Code.

### C. Procedures for Investigating Federal Offenses

The following procedures shall govern investigations or prosecutions of Federal offenses made under this Agreement:

(1) The USMC installation will refer appropriate violations of Federal law or regulation to the Service's designated representative as expeditiously as possible.

(2) The USMC installation shall submit in a timely manner, copies of all investigative reports to the Service's designee on law enforcement activities conducted under authority of this Agreement.

(3) All potential investigations that may result in a felony prosecution will be coordinated with the Service. All potential investigations against any person who may claim Native American treaty rights must be coordinated with the Service.

(4) Each USMC installation shall coordinate with the local Service law enforcement office to establish protocol and liaison with regard to all Federal prosecutions relating to violations of Federal laws and regulations specified in A(1), occurring on USMC installations.

#### D. Coordination

(1) The Service designee and the USMC representatives shall meet periodically and when necessary for the following purposes:

(a) Identifying enforcement problems in areas of concurrent jurisdiction that may require joint enforcement operations or investigations;

(b) Identifying enforcement problems that may require covert investigation;

(c) Identifying the need for specialized law enforcement equipment;

(d) Discussing new techniques and methods for the detection and apprehension of violators of conservation laws and the exchange of law enforcement information in general;

(e) Reviewing training programs and identifying the need for additional instruction in Federal laws, policies, interpretations, and other appropriate subjects; and

(f) Establishing procedures for the care, handling, identification, and storage of evidence and/or seized property.

#### E. Actions to be Taken by the Parties

(1) The Service will provide to the USMC, subject to available resources and manpower, copies of Federal laws and regulations and pertinent Service policy and interpretations and the assistance of special agents and equipment for specific enforcement operations.


(2) The USMC will provide to the Service, subject to available resources and manpower, copies of regulations applicable to USMC installations and pertinent policy and interpretations and assistance by USMC Conservation Law Enforcement Officers and use of equipment for specific enforcement operations that occur on the USMC installations.

F. Terms, Amendment, Effective Date, and Termination


(1) This Agreement shall become effective upon the date last signed and executed by the duly authorized representatives of the parties and shall remain in full force and effect until terminated in writing by either party. Representatives of the USMC and Service will review the Agreement at least every ten (10) years. The Agreement may be terminated, without cause, by either party upon thirty (30) days written notice.

(2) The Agreement may be revised or amended by consent of the parties, but such revisions or amendments shall not be effective until produced in writing and signed by both parties. Local agreements made under this master agreement cannot eliminate a requirement set by this Agreement.

(3) Before delegating authority under this Agreement, the USMC will provide the Chief, Office of Law Enforcement a roster of Marine Corp Conservation Law Enforcement Officers and installations that will be authorized to enforce the laws specified in paragraph A(1) under this Agreement. The Chief, Office of Law Enforcement will forward this information to his/her designee.

  
R.S. COLEMAN  
Brigadier General  
U.S. Marine Corps  
Assistant Deputy Commandant  
Installations & Logistics

Date: 21 MAY 2003

  
KEVIN R. ADAMS  
Chief, Office of Law Enforcement  
U.S. Fish and Wildlife Service

Date: 6-5-03

Attachments

U.S. Fish and Wildlife Service Use of Force Policy  
U.S. Fish and Wildlife Service Firearms Policy  
U.S. Fish and Wildlife Service Regional Law Enforcement Office Contact Information



## 442 FW 1, Use of Force Policy

---

**FWM#:** 247 (new)  
**Date:** March 29, 1996  
**Series:** Law Enforcement  
**Part 442:** Use of Force  
**Originating Office:** Office of Law Enforcement

---

**1.1 Purpose.** This chapter establishes a uniform policy regarding the use of force by Service officers in the performance of their official law enforcement duties.

**A.** This policy is intended to provide Service officers with an understanding of the various force options available to them, and when the application of a particular option or level of force would be considered legally permissible and reasonably necessary to perform their duties, and to protect themselves and others.

**B.** For the purposes of this Part 442, the term Service law enforcement officer, Service officer, or officer means any Service employee authorized to carry and utilize firearms in the performance of their official law enforcement duties.

**1.2 Policy.** Service law enforcement officers will use only that force necessary and reasonable to overcome the resistance offered by a suspect or individual. The level of force used by a Service officer must not be excessive or unjustified.

**1.3 Definitions.** The following terms and definitions are to be used in the practical application of the use of force.

**A. Force.** Physical presence, action or exercise of strength to compel another to act or refrain from certain behavior. It may include physical touching of another, striking, kicking, the use of chemical agents and other intermediate force weapons, restraints, and/or firearms.

**B. Non-lethal Force.** Force used to control a suspect or prisoner, or other person when justified, which does not normally result in serious injury or death. This usually includes physical touching of a suspect, and may be in the form of control techniques, Oleoresin Capsicum, batons, or restraining devices.

**C. Deadly Force.** Force which is intended or likely to cause death or serious bodily harm. Most often, deadly force involves the use of a firearm aimed at a suspect. Deadly force actually encompasses any means or instrumentality which may inflict death or serious bodily injury.

**D. Unjustified or Excessive Use of Force.** Force without justification or excuse; or the application of force clearly beyond that called for given the suspect's level of resistance.

#### **1.4 Application of Force.**

**A. Levels of Control/Force.** The levels of control or force utilized by Service officers to overcome a suspect's/individual's resistance are categorized as follows.

- (1) Officer's Presence
- (2) Verbal Direction
- (3) Soft, empty hand control
- (4) Hard, empty hand control
- (5) Chemical Agents (Oleoresin capsicum)
- (6) Impact Weapons
- (7) Deadly Force

**B. Use of Restraints.** Service officers may routinely use handcuffs, flex-cuffs, legcuffs and body chains to justifiably control, restrain, and transport persons. Restraining devices will be applied properly and in accordance with the training received so as to minimize the risk of unnecessary injury.

**C. Avoidance of Risk.** Service officers should not take undue risks that could result in death or serious bodily harm. Whenever possible, officers should attempt to defuse and stabilize any dangerous situation(s) by using communication skills and/or waiting for backup assistance. Officers are never required to take UNREASONABLE risks and may opt to disengage or withdraw if such action can be safely accomplished without further endangering themselves, other officers or the public.

**D. Degree of Force.** Service officers will only use that degree of force that is legally permissible; reasonably necessary to perform their duties; and is required to protect themselves and others. The degree of force applied depends on the circumstances and facts of a particular incident, and is governed by the following conditions:

- (1) The degree of resistance or force threatened or exhibited by the suspect(s), including the suspect's possession or non-possession of a deadly weapon; and

(2) The officer's perception of that resistance, including the jeopardy of death or serious bodily harm to the officer or others implied by the suspect.

**E. Deadly Force Policy.** The use of deadly force is the highest level of force that can be employed by a Service officer. It will normally involve the aimed discharge of a firearm at a person with the intended effect to be the immediate incapacitation of that person. The following deadly force policy will apply to all Service officers:

**A SERVICE OFFICER MAY ONLY DISCHARGE HIS OR HER FIREARM DIRECTLY AT ANOTHER PERSON WHEN THE OFFICER REASONABLY BELIEVES THAT THE OFFICER OR ANOTHER INDIVIDUAL IS IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.**

### **1.5 Chemical Agents.**

**A. Oleoresin capsicum (OC).** The only approved chemical agent that may be used by Service officers is Oleoresin capsicum. The Service recognizes OC as a non-lethal force alternative which can be used to defend or against and control actively resistant or violent offender/individuals. Based on the Service officers reasonable perception that OC is necessary to avoid a physical confrontation, OC may be used immediately PRIOR to hard, empty hand control techniques, impact weapons, or deadly force.

**B. Authorization.** Only those Service officers who have successfully completed Service approved training in the use of OC are authorized to carry and use this agent. Only Service owned and issued OC is authorized.

**1.6 Impact Weapons.** Service officers who have successfully completed the required training are authorized to use a baton (either straight or collapsible). This weapon may only be used by Service officers when the offender is engaged in physically aggressive resistance which puts the officer at risk of bodily harm. Batons may only be used in accordance with the training received.

### **1.7 Firearms**

**A. Guidelines.** The following guidelines will govern the use of firearms by Service officers.

(1) A firearm will be fired directly at a person only with the intent of rendering the person incapable of continuing the action or activity that justified the use of deadly force. The use of deadly force will be justified based upon the circumstances known to the officer at that time, and where the immediate application of deadly force is the only reasonable means by which the person can be quickly and dependably incapacitated or stopped.

(2) Firing at a fleeing suspect is not justified unless the Service officer has reasonable cause to believe the fleeing person poses an immediate threat of serious bodily injury or



death to the officer or others, has the means to carry out that threat, and manifests an intent to do so.

(3) Warning shots can pose a hazard to innocent persons, therefore their use by Service officers is not authorized.

(4) In the presence of the public, a sidearm should only be drawn when the Service officer has cause to believe it may be needed, and to leave it in the holster would place the officer at a distinct disadvantage.

(5) Shoulder weapons (shotguns and rifles) may be displayed only when appropriate and when their use may be required.

**B. Authorization.** Only those Service officers who have successfully completed Service approved training on the use of firearms and are currently qualified are authorized to carry and use firearms. Only Service owned and issued firearms are authorized.

---



## 445 FW 4, Firearms

---

**FWM#:** 306 (new)  
**Date:** December 31, 1996  
**Series:** Law Enforcement  
**Part 445:** Law Enforcement Administration  
**Originating Office:** Office of Law Enforcement

---

**4.1 Purpose.** This chapter establishes Service policy concerning firearms issued, carried, and/or used by Service law enforcement officers in the performance of their official law enforcement duties.

### **4.2 Scope.**

**A.** This chapter applies to all Service Law Enforcement Officers. The term law enforcement officer includes Special Agents, Refuge Officers including both full-time and collateral duty officers, and other Service employees that have been granted Service law enforcement authority and who have met the requirements of this chapter and other applicable Service requirements.

**B.** Nothing in this chapter shall preclude the use of, nor govern the use of firearms in the performance of non-law enforcement activities by Service employees. Non-law enforcement activities in which a firearm may be used include dispatching of injured animals, self-defense against wildlife, predator or stray animal control, covert hunting situations, or similar situations that do not involve the use of a firearm as a force option against a person or persons.

### **4.3 Policy and Authority.**

**A. Policy.** All Service law enforcement officers shall be properly trained in the use of firearms and equipped with firearms appropriate for the law enforcement duties performed, and unless restricted by the authorities section of this part, shall carry firearms in the performance of their official duties.

**B. Authority.** Service law enforcement officers are authorized to carry and use firearms as follows:

(1) Service law enforcement officers are authorized to carry and use firearms in the performance of their official law enforcement duties by virtue of the power to arrest

contained in the statutes enforced, and as expressly authorized under the Lacey Act Amendments of 1981 [16 USC 3375(b)].

(2) Wildlife inspectors are not authorized to carry firearms in the performance of their official duties unless specifically authorized. Such authorization must have the concurrence of the Chief, Division of Law Enforcement.

(3) Notwithstanding the authority granted by statute, only those law enforcement officers who meet the training standards established by the Service are authorized to carry or utilize firearms in the performance of their official duties.

#### **4.4 Responsibilities.**

**A. Regional Directors** will ensure compliance with all provisions of this chapter. The Regional Director is assisted by the Assistant Regional Director (ARD) for Law Enforcement who is also referred to as the Special Agent in Charge, and the ARD for Refuges and Wildlife. Responsibilities specific to the ARDs are identified throughout the chapter.

**B. The Assistant Director - Refuges and Wildlife** is responsible for development and maintenance of the Service policy and procedure governing the use of firearms. The Assistant Director is assisted by the Chief, Division of Law Enforcement and the Special Agent in Charge, Branch of Training and Inspection. The Assistant Director is also authorized to develop and issue a Firearms Instructor Handbook. See paragraph 4.10.

**4.5 Authorized Firearms and Ammunition.** Only Service issued weapons may be utilized for law enforcement purposes. The carrying of personal weapons for official law enforcement purposes is prohibited. Firearms and related equipment issued to a Service law enforcement officer upon conferral of law enforcement authority shall remain with the law enforcement officer upon transfer or reassignment as long as he or she retains law enforcement authority. Upon separation from the Service or relinquishment of law enforcement authority, all firearms and related equipment will be returned to the Branch of Training and Inspection, Division of Law Enforcement.

#### **A. Service Sidearms.**

(1) The standard issue sidearm for all Service law enforcement officers shall be a stainless steel, six (6) shot, double action revolver with a barrel length of two and one half (2 ) to four (4) inches inclusive, in .357 magnum caliber; or a double action semi-automatic pistol in .45 ACP, .40 Smith and Wesson, .357 Sig, 9mm parabellum calibers, or other calibers that fire a .355 inch diameter or larger bullet and have been authorized by the Division of Law Enforcement. The action in the semi-automatic pistol may be in either of two configurations: (1) double action only in which all trigger pulls are in the double action mode, or (2) mixed double and single action in which the first shot is double action and subsequent shots are single action. The semi-automatic sidearm will have a magazine capacity of at least seven rounds, a magazine release mounted on the

side of the frame, an external hammer with a hammer drop lever/decocking lever for the double/single action design, a firing pin safety lock which will allow it be carried safely with a round in the chamber, no external safety which would require manipulation prior to firing in the double action mode, and no magazine disconnect which would prevent the weapon from being fired with the magazine removed.

(2) Operation requirements, such as covert investigations and other special assignments or conditions, may necessitate carrying an alternate sidearm other than the standard issue pistol or revolver. Any double action, semi-automatic pistol or steel frame revolver of at least .38 Special or .380 (9mm KURZ) with a capacity of at least five cartridges owned by the Service may be issued and carried for special law enforcement purposes when authorized by the ARD for Law Enforcement/Special Agent in Charge or ARD for Refuges and Wildlife. When such authority is granted, the law enforcement officer is required to qualify or re-qualify with the alternate sidearm under the same standards applicable to the standard issue handgun.

(3) Service law enforcement officers are authorized to carry a second, concealed back-up sidearm for safety purposes. The back-up sidearm must meet the standards set in either paragraphs (1) and (2) above, and the law enforcement officer must successfully meet the qualification/re-qualification standards established by the Service for back-up sidearms.

#### **B. Shotguns and Rifles.**

(1) The standard issue shotgun shall be a 12 gauge pump or semi-automatic police type weapon with a barrel length of eighteen to twenty-one inches, and fitted with rifle sights or optical/electronic sights.

(2) The standard issue rifle for law enforcement purposes shall be a bolt action or semi-automatic in .223 (5.56) or .30 caliber. Approval from the ARD for Law Enforcement/Special Agent in Charge or Assistant Regional Director for Refuges and Wildlife shall be required if non-standard rifles are to be issued and used for law enforcement purposes.

**C. Select Fire Weapons.** The carrying and use of select fire (fully-automatic) weapons by Service law enforcement officers is not authorized.

#### **D. Ammunition.**

(1) Except for training purposes, only factory manufactured new (as opposed to remanufactured) ammunition may be acquired and carried for use in sidearms used for law enforcement purposes. This ammunition shall be loaded with full metal jacketed or semi-jacketed controlled expansion bullets. Information on suitable, caliber specific, duty ammunition may be obtained from the Branch of Training and Inspection, Division of Law Enforcement.

(2) Target ammunition, reloads, or cartridges loaded with wadcutter bullets may be used for practice, but not when firing a qualification or re-qualification score for record, nor may they be carried for duty purposes. Law enforcement officers will qualify and re-qualify with the same or ballistically equivalent ammunition which normally carried on duty.

(3) Shotgun ammunition utilized for duty purposes shall be factory manufactured 12 gauge, number 00 buck or rifled slugs, or other suitable rounds as recommended by the Branch of Training and Inspection, Division of Law Enforcement.

(4) Only new, commercial factory, or military arsenal manufactured, center-fire rifle ammunition of full metal jacket or jacketed controlled expansion design will be carried or used for law enforcement purposes. For training purposes only, commercially manufactured reloads, of similar bullet design, may be substituted for duty ammunition. Specific recommendations on ammunition may be obtained from the Branch of Training and Inspection, Division of Law Enforcement.

(5) To ensure that all law enforcement officers remain proficient with their weapons, each officer shall be provided with an appropriate number of rounds to meet all re-qualification requirements and to practice with each weapon authorized to be carry. This ammunition shall be in addition to any ammunition provided to the officer for the annual 40 hour in-service training. It shall be the responsibility of the ARD for Law Enforcement/Special Agent in Charge or Assistant Director for Refuges and Wildlife to ensure that this ammunition is provided and fired on an annual basis.

**4.6 Carrying and Transporting Firearms.** Only Service law enforcement officers who qualify and re-qualify in accordance with this part are authorized to carry firearms for law enforcement purposes.

**A. When To Carry.** Special Agents and other full-time law enforcement officers are subject to call any time and, therefore, are authorized to carry firearms at all times. Other Service law enforcement officers shall carry firearms when engaged in law enforcement duties, reasonably expected to be engaged in law enforcement duties, or if specifically authorized under specific circumstances. Such specific authorization must be in writing, and signed by the officer's Project Leader or higher level management.

**B. Foreign Countries.** Service law enforcement officers are not authorized to possess firearms while engaged in law enforcement duties in foreign countries. However, certain conditions might arise that would necessitate that firearms be carried. If a Service law enforcement officer is cognizant of the fact that such a situation might arise, he or she must obtain written permission from the legal authority in the respective host country and from the U.S. State Department. Furthermore, the Chief, Division of Law Enforcement, must concur with this request.

**C. Commercial Aircraft.** Public Law 87-197, 49 USC 1472(1), provides criminal penalties for the carrying of a firearm aboard a commercial aircraft. The statute

specifically states that this prohibition does not apply to agents of the Federal government who are authorized or required within their official capacities to carry firearms. Pursuant to this statute, the Department of Transportation has issued regulations regarding carrying firearms on commercial air carriers. These regulations (as contained in 14 CFR 108) require Federal agents meet the following conditions when it is necessary for the firearm to be carried while aboard any commercial aircraft:

(1) The Service law enforcement officer shall notify the airline at least one hour prior to departure (or in the case of an emergency, as soon as practicable) that he or she is a Federal agent who has a need to travel armed. Among other things, this allows the carrier to comply with its regulatory requirements to notify crew members and other law enforcement personnel of the presence and location of each armed person aboard the aircraft.

(2) Armed Service law enforcement officers must identify themselves by displaying their credentials to the appropriate airline and security personnel before carrying a firearm on a commercial aircraft.

(3) The armed Service officer **shall not** consume alcoholic beverages while on board the aircraft, or eight hours before the flight.

(4) In order not to cause undue alarm to any passenger or have the firearm become a target of opportunity for any person, the Service law enforcement officer will exercise the utmost discretion to ensure that the firearm is not observable while in flight status.

(5) When traveling by air on official law enforcement business, Service law enforcement officers shall determine whether the immediate requirements of the particular mission make it necessary for a firearm to be carried on their person.

(6) No firearm shall be carried aboard a commercial aircraft by a Service law enforcement officer when traveling on personal business. However, firearms may be placed in checked baggage in accordance with Paragraph (9) below.

(7) Whenever a firearm is to be carried aboard an aircraft, the Service law enforcement officer shall adhere to all of the above procedures. It should be noted that despite the fact that the Service law enforcement officer feels that the scope of the enforcement mission requires that he/she carry a firearm on board an aircraft, airlines are not required to transport armed law enforcement officers and may deny boarding to the armed officer.

(8) Except as required when checking baggage with the airlines, Service law enforcement officers will not surrender any firearm to airline personnel in order to obtain a boarding pass from the airline.

(9) When in the judgement of the Service law enforcement officer the immediate requirements of a particular law enforcement mission do not warrant the carrying of a

firearm aboard the aircraft, the firearm may be placed in checked baggage in accordance with the following requirements:

- (a) The Service law enforcement officer must ensure that the firearm is **unloaded**, secured within hard-sided luggage, or placed in a hard-sided container within soft-sided luggage; and placed in luggage to which only the officer transporting the firearm retains the key or combination to the lock.
  - (b) The Service law enforcement officer must advise the airline that the above procedures have been followed, and if requested, allow airline personnel to inspect the weapon at the ticket counter when the luggage is checked.
  - (c) The Service law enforcement officer shall ensure that the "firearms" tag is placed inside the shipping container (luggage), and not affixed to the outside.
- (10) Under no circumstances will a Service law enforcement officer carry OC-10, Cap-Stun, other pressurized Oleoresin capsicum agents, mace, tear gas, chemical agents, or other gaseous products in a pressurized container on board an aircraft, or place such items in their checked baggage or luggage.

#### **4.7 Initial Firearms Training.**

##### **A. Service Sidearms.**

(1) **Permanent Personnel.** Initial training in the use of an approved Service sidearm shall be accomplished by the law enforcement officer-trainee's successful completion of the Basic Criminal Investigators School (CI), or the Basic Law Enforcement Course for Land Management Agencies (LM) as administered by the Federal Law Enforcement Training Center (FLETC). All law enforcement officer-trainees must fire a minimum score of 80 percent or better on the course of fire utilized for qualification purposes during this basic training. In addition, when firearms training is incorporated into either the Special Agent Basic (SABS) or the Refuge Officer Basic (ROBS); all Service officer-trainees attending must successfully complete this training by firing a minimum score of 80 percent on all qualification courses fired for record. The inability of a Service law enforcement officer-trainee to qualify at the 80 percent or better level will result in his/her failure to successfully complete this required basic training.

(2) **Seasonal Personnel.** In order to meet basic training requirements for carrying Service sidearms, seasonal law enforcement officers must successfully complete 1) a law enforcement training course approved through the National Park Service Training Program for Seasonal Employees, or 2) a law enforcement training course approved by the Department of the Interior and the Service as a substitute to the Basic Law Enforcement Course for Land Management Agencies. Any waivers to 1) or 2) above must be approved by the Chief, Division of Law Enforcement. When recency of training exceeds three years, seasonal employees may retain law enforcement authority, and may continue to be authorized to carry Service firearms only if they have been actively

involved in law enforcement since their initial training, and have re-qualified every six months or prior to resuming their seasonal duties.

### **(3) Sidearm Specific Training.**

(a) The initial training referred to in paragraphs (1) and (2) above must be specific to the type of sidearm (i.e. revolver vs semi-automatic pistol) that the Service law enforcement officer will be issued upon conferral of authority. If a different type of sidearm was used during initial training, the Service law enforcement officer must successfully complete the appropriate transitional firearms program for the weapon he or she will be issued. The appropriate transitional firearms program shall be specified by the Branch of Training and Inspection.

(b) The appropriate transitional firearms training must be completed prior to the Service law enforcement officer being issued a Service approved sidearm of a different type than the one used during initial training. After receiving transitional training, the officer must be issued an appropriate weapon within ninety (90) days. If the sidearm cannot be issued within this ninety (90) day time frame, a refresher training course authorized by the Branch of Training and Inspection will have to be completed.

**B. Service Shotguns.** Initial training in the use of an approved Service shotgun shall be accomplished by the Service law enforcement officer-trainee's successful completion of the CI Program, or the LM Program as administered by FLETC. If this initial training has not been received by the law enforcement officer, the office must demonstrate proficiency with the shotgun by qualifying in accordance with paragraph D below prior to being issued this weapon.

**C. Service Rifles.** Service law enforcement officers are authorized to carry approved rifles for law enforcement purposes only when they have successfully completed the required rifle training specified by the Branch of Training and Inspection.

## **4.8. Firearms Qualification and Requalification**

**A. Qualification.** Initial qualification by all Service law enforcement officer-trainees is accomplished by firing a minimum score of 80 percent or better during the CI Program, the LM Program, the appropriate seasonal program as described in paragraph A(2) above or the appropriate transitional program as described in 4.7A(3)(a) above.

**B. Requalification.** After initial qualification, all Service law enforcement officers shall receive a minimum of four (4) hours of firearms training annually. In addition, every law enforcement officer must requalify every six (6) months, with each Service weapon they wish to carry. Re-qualification shall be accomplished by firing for record the required score of at least 80 percent on an authorized course of fire for each Service weapon which will be carried for law enforcement purposes. Law enforcement officers will also receive refresher or additional training in weapon handling, tactics, and other firearms skills necessary to effectively use their issued weapons.



(2) All Service law enforcement officers must fire an authorized reduced-light course annually with their primary sidearm.

**C. Scores.** All scores fired for record during initial qualification and re-qualification must be fired under the supervision of a certified range officer or certified firearms instructor.

**D. Records.** All firearms records shall be maintained on Form 3-2085, Firearm Training Record, Exhibit 1 and forwarded to the ARD for Law Enforcement/Special Agent in Charge or designee and shall constitute the official record. For refuge law enforcement officers, the official record shall be forwarded to the Regional Refuge Law Enforcement Coordinator or designee. This official record shall only indicate that the Service law enforcement officer passed or failed the qualification or re-qualification standard. These records must be maintained for not less than five (5) years. The records shall indicate the date of firing, time of day, weather conditions, course of fire, number of rounds, ammunition type, weapon used and range location. In addition, the records shall identify the certified range officer or certified firearms instructor under whose supervision the firing occurred, and note any specialized instructions given to individual shooters.

**E. Targets.** All scores fired for record shall be fired on approved targets. Approved targets are specified for each course of fire. The firing of a score for record on any target not specified in each course of fire shall require the prior approval of Branch of Training and Inspection, and shall be noted on the Firearms Training Record.

**F. Authorized Courses of Fire.**

(1) Except as noted below, only the courses of fire approved and maintained by the Branch of Training and Inspection may be used by Service law enforcement officers for re-qualification purposes.

(2) Other Courses of Fire. If under unusual circumstances a law enforcement officer is unable to fire an approved course of fire specified in this chapter due to a remote duty station location, no appropriate firing range facilities, or other limiting factor; the officer may re-qualify on any approved practical police course used by any police agency in the surrounding area. Service law enforcement officers using an alternate course of fire, however, shall obtain prior approval from their ARD or designee. All the other requirements in this chapter shall remain the same.

**4.9 Certified Firearms Instructors.**

**A.** Within each region the ARD for Law Enforcement/Special Agent in Charge and ARD for Refuges and Wildlife shall designate employees within their respective programs to serve as Service Designated Firearms Instructors (SDFI). To serve as a SDFI an employee must have graduated from a basic Firearms Instructor Training Course at the Federal Law Enforcement Training Center or an equivalent course of instructor approved by the Branch of Training and Inspection. The employee must also have served as a

primary or assistant instructor at one or more Service firearms training/re-qualification sessions within the past year. Designated Firearms Instructors assist the Lead Regional Firearms Instructor.

**B.** Within each region the ARD for Law Enforcement/Special Agent in Charge and the ARD for Refuges and Wildlife shall designate employees within their respective programs to serve as Lead Regional Firearms Instructors. The primary role of Lead Regional Firearms Instructors is to oversee firearms training, re-qualification, and weapon familiarization at the field level for those employees with law enforcement authority. Lead Regional Firearms Instructors are responsible for planning, organizing, implementing and evaluating the firearms training program within their respective programs.

**C. Certification.**

(1) The Branch of Training and Inspection will maintain a list of all individuals qualified to serve as Service Designated Firearms Instructor, and a list of those persons designated as the Lead Regional Firearms Instructors for each region. Such information shall be available to the ARD for Law Enforcement/Special Agent in Charge and the ARD for Refuges and Wildlife to be considered prior to designation of Firearms Instructors. The Special Agent in Charge, Branch of Training shall be notified in writing of all designations.

(2) Service Designated Firearms Instructor designations will remain in effect until such time as an instructor fails to conduct or assist in the presentation of one training/re-qualification session in two consecutive years or the designation is changed by the responsible ARD.

(3) Reinstatement as a Service Designated Firearms Instructor must be initiated by written request to the ARD for Law Enforcement/ Special Agent in Charge or Assistant Regional Director for Refuges and Wildlife. Reinstatement will be granted only after successful completion of a Service refresher or other approved refresher course as specified by the Branch of Training and Inspection, if the individual has not maintained qualifications as indicated in paragraph (2) above.

**D. Non-Service Firearms Instructors.** When special circumstances exist and a Service Designated Firearms Instructor is not available to conduct re-qualification this duty may be performed by a certified range officer or certified firearms instructor employed and designated by any bona fide Federal, State, County, or Municipal police agency. The reporting requirements as contained in this chapter must still be completed for any re-qualification conducted by non-Service firearms instructors.

**E. In-Service Training for Firearms Instructors.** Every three years, a 24 hour in-service training session will be conducted for Service firearms instructors. The Branch of Training and Inspection shall be responsible for the development and coordination of these training sessions. The ARD for Law Enforcement/Special Agent in Charge and

ARD for Refuges and Wildlife shall nominate those firearms instructors who will attend this training. However, attendance is mandatory for Designated Lead Regional Firearms Instructors.

**4.10 Firearms Instructors Handbook.** The Branch of Training and Inspection is responsible for the development, coordination, issuance and revision of the Firearms Instructor Handbook. The Handbook will contain applicable copies of the Department and Service firearms policies and guidelines; approved courses of fire; lesson plans; re-qualification reporting procedures and formats; and other information deemed necessary for proper administration of the Service's firearm programs.

#### **4.11 Firearms Maintenance, Inspection, and Storage.**

**A. Maintenance.** Each law enforcement officer is responsible for the care and routine cleaning of all assigned firearms. To ensure reliability, all ammunition carried in the firearm and ammunition carriers shall be replaced semi-annually. Law enforcement officers are not authorized to disassemble any Service firearm beyond the level specified during the training received for that firearm. Nor may they or anyone else modify in any way the internal/external parts of any firearm. The addition of after-market grips to a Service sidearm is authorized with the approval of a Service Armorer. The addition of accessories or other modifications to Service owned firearms used for law enforcement purposes may only be done by Service Armorers or by the factory, or other certified armorers with the approval of a Service Armorer.

**B. Inspection and Repair.** Service firearms shall be inspected at least annually by a certified armorer to ensure proper functioning. Certified armorers may disassemble Service firearms as necessary to inspect and analyze problems with the mechanical functioning of the weapons. If a firearm is found to have mechanical modifications that pose a safety hazard or if malfunctions or excessive wear are observed, the firearm is to be immediately removed from service until repaired or replaced. If immediate repairs are not possible, the law enforcement officer shall be issued a replacement firearm of the same type until such time as the officer's weapon is repaired. Firearms found to be unreliable, or in need of excessive repair, must be surveyed and, if appropriate, replaced. All repairs made to any Service firearm must be documented. Records of all annual firearm inspections and repairs shall be maintained by the ARD for Law Enforcement/Special Agent in Charge or designee. For refuge Law Enforcement officers, these records shall be maintained by the Regional Refuge Law Enforcement Coordinator or designee.

#### **C. Storage.**

(1) Service officers are responsible for the safe and secure storage of all firearms assigned to them. Service firearms that are not routinely carried shall be stored at Service facilities in a vault, gun locker, or other location which is secured in such a manner as to substantially reduce the possibility of theft or unauthorized removal. These firearms shall be unloaded, with the action open (out of battery).

(2) Service law enforcement officers may leave firearms that are routinely used for law enforcement operations in Service vehicles. Care should be exercised by law enforcement officers in removing and securing the firearms so as not to draw any undue attention which might result in the theft or unauthorized removal of the firearms.

(3) Service firearms carried in vehicles must be secured in locked boxes, trunks, or other locations which will reduce the risk of theft or unauthorized removal, unless their use is imminent. Firearms shall not be stored in vehicles that are not in routine use and which are left unattended for extended periods of time.

(4) If at all possible, firearms should be stored at the law enforcement officer's duty station. However, when it is impractical to do so, or operational requirements dictate otherwise, law enforcement officers are authorized to store them at their residence, provided appropriate safeguards are taken. Family members should be educated not to handle these firearms. Firearms stored at a residence must be stored under lock and key, unloaded, actions open (out of battery) with the ammunition stored separately.

**D. Loss of Firearms.** Service law enforcement officers shall verbally report the loss or theft of any Service firearm to his or her immediate supervisor, the local Federal Bureau of Investigation office, and the pertinent local police jurisdictions. This report should include weapon make, model number, serial number, and caliber. These oral reports must be followed by a written report from the law enforcement officer within seventy two (72) hours. The officer's immediate supervisor shall forward a copy of the report to the ARD for Law Enforcement/Special Agent in Charge or ARD for Refuges and Wildlife for compliance with report of survey requirements in accordance with 310 FW 7, Report of Survey.

#### **4.12 Service Designated Armorer.**

**A.** Within each region the ARD for Law Enforcement/Special Agent in Charge and the ARD for Refuges and Wildlife shall designate employees within their respective programs to receive training and serve as Service Designated Armorers (SDA). Service Designated Armorers will perform routine inspection, maintenance, and repair of Service firearms.

**B.** Service Designated Armorers must have graduated from a factory sponsored training course for the specific firearm(s) for which certification is required, and must successfully meet all factory re-certification requirements.

**C.** The Branch of Training and Inspection shall be advised of all Service Designated Armorer designations and shall maintain a list of all Service Designated Armorers. This list shall include the name, duty location, Division identification, and what weapon certification is held by each armorer.

---

# U.S. Fish and Wildlife Service Regional Law Enforcement Office Contact Information

JURISDICTION	SPECIAL AGENT IN CHARGE
<u>REGION 1:</u> California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Commonwealth of the Northern Mariana Islands, and Guam,	SAC U.S. Fish and Wildlife Service/Law Enforcement 911 N.E. 11 <sup>th</sup> Avenue Portland, OR 97232-4181 Main: 503-231-6125 Fax: 503-231-6197
<u>REGION 2:</u> Arizona, New Mexico, Oklahoma, and Texas	SAC U.S. Fish and Wildlife Service/Law Enforcement 500 Gold Ave SW, RM 9021 Albuquerque, NM 87102 Main: 505-248-7889 Fax: 505-248-7899
<u>REGION 3:</u> Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin	SAC U.S. Fish and Wildlife Service/Law Enforcement P.O. Box 45 Federal Building Fort Snelling, MN 55111-0045 Main: 612-713-5320 Fax: 612-713-5283
<u>REGION 4:</u> Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands	SAC U.S. Fish and Wildlife Service/Law Enforcement P.O. Box 49226 Atlanta, GA 30359 Main: 404-679-7057 Fax: 404-679-7065
<u>REGION 5:</u> Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	SAC U.S. Fish and Wildlife Service/Law Enforcement 300 Westgate Center Drive Hadley, MA 01035 Main: 413-253-8274 Fax: 413-253-8459
<u>REGION 6:</u> Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming	SAC U.S. Fish and Wildlife Service/Law Enforcement P.O. Box 25486 – DFC Denver, CO 80225 Main: 303-236-7540 Fax: 303-236-7901
<u>REGION 7:</u> Alaska	SAC U.S. Fish and Wildlife Service/Law Enforcement 1011 E. Tudor Road, Mail Stop 151 Anchorage, AK 99503-6199 Main: 907-786-3311 Fax: 907-786-3313
<u>REGION 9:</u> Headquarters Office	SAC U.S. Fish and Wildlife Service/Law Enforcement 4401 N. Farifax Drive, Mail Stop LE3000 Arlington, VA 22203 Main: 703-358-1949 Fax: 703-358-2271

## TRANSPORTATION OF FIREARMS

### SECTION I. TRANSPORTATION OF FIREARMS ON COMMERCIAL AIRCRAFT

A. Public Law 87-197, 49 U.S.C., Section 1472(1), provides criminal penalties for the carrying of a firearm aboard a commercial aircraft. The statute specifically states that this prohibition does not apply to agents of the Federal Government who are authorized or required within their official capacities to carry firearms pursuant to this statute. The Department of Transportation has issued regulations regarding the carriage of firearms on commercial air carriers. These regulations (as contained in 14 CFR, Section 108) require Federal agents who are authorized to carry a firearm, to meet the following conditions when it is necessary for the firearm to be carried while aboard any commercial aircraft:

1. The conservation officer shall notify the airline at least 1 hour prior to departure (or in the case of an emergency, as soon as practicable) that he/she is a Federal agent/officer who has a need to travel armed. Among other things, this allows the carrier to comply with its regulatory requirements to notify new members and other law enforcement personnel of the presence and location of each armed person aboard the aircraft.

2. Armed officers must identify themselves by displaying their credentials to the appropriate airline and security personnel before carrying a firearm on a commercial aircraft.

3. The armed officer shall not consume alcoholic beverages while on board the aircraft, or 8 hours before the flight.

4. In order not to cause undue alarm to any passenger or have the firearm become a target of opportunity for any person, the officer will exercise the utmost discretion to ensure that the firearm is not observable while in flight status.

5. When traveling by air on official enforcement business, officers shall determine whether the immediate requirements of the particular mission make it necessary for a firearm to be carried on their person.

6. No firearm shall be carried aboard a commercial aircraft by an officer when traveling on personal business. However, firearms may be placed in checked baggage, in accordance with paragraph 9a, below.

7. Whenever a firearm is to be carried aboard an aircraft, the officer shall adhere to all of the above procedures. It should be noted that despite the fact that the officer feels that the scope of the enforcement mission requires that he/she carry his or her firearm on board an aircraft, airlines are not required to transport armed officers and may deny boarding the officer.

8. Except as required when checking baggage with the airlines, officers will not surrender any firearm to airline personnel in order to obtain a boarding pass from the airline.

9. When in the judgment of the officer, the immediate requirements of a particular law enforcement mission do not warrant the carrying of a firearm aboard the aircraft, the firearm may be placed in checked baggage in accordance with the following requirements:

a. The conservation officer must ensure that the firearm is unloaded, secured within hard-sided luggage or placed in a hard-sided container within soft-sided luggage, and placed in luggage to which only the officer transporting the firearm retains the key or combination to the lock.

b. The conservation officer must advise the airline that the above procedures have been followed, and, if requested, allow airline personnel to inspect the weapon at the ticket counter when the luggage is checked.

c. The conservation officer shall ensure that the "firearms" tag is placed inside the shipping container (luggage), and not affixed to the outside.

10. Under no circumstances will a conservation officer carry OC-10, Cap-Stun, other pressurized Oleoresin capsicum agents, mace, tear gas, chemical agents, or other gaseous products in a pressurized container on board an aircraft, or place such items in their checked baggage or luggage.



\* \$150 vs. \$88 counted in total

WEAPONS DISCHARGE, USE OF FORCE, AND  
BOARD OF REVIEW COMPOSITION

SECTION I: PROCEDURES

A. Purpose. To establish Board of Review (BOR) procedures to be followed whenever a firearm is discharged for law enforcement purposes, whenever a conservation officer has been involved in a use of force incident where bodily injury has occurred, and to describe functions and responsibilities of a BOR.

B. Requirements Subsequent to Weapon Discharge or Other Use of Force. Whenever a conservation officer has been involved in a use of force incident where serious bodily injury has occurred or has discharged a firearm, the involved conservation officer shall, as soon as possible, verbally inform their immediate supervisor. Within 48 hours, the involved conservation officer shall provide his or her immediate supervisor with the details that resulted in the discharge of the firearm or use of force. Upon receipt of the conservation officer's verbal notification, the immediate supervisor shall notify the appropriate personnel and shall initiate the empanelment of the BOR. Based on the initial facts regarding the firearm discharge or other use of force, the following actions shall be taken:

1. Firearm Discharge, No bodily Injury or Death. Upon receipt of the conservation officer's written description, where there has been no bodily injury or death, the BOR shall review the incident, as required by this appendix D.

2. Firearms Discharge, Use of Force With Serious Bodily Injury or Death. Whenever a conservation officer has been involved in a use-of-force incident where serious bodily injury or death has occurred, the officer and the appropriate supervisor shall take the following actions:

a. The conservation officer should render or arrange for emergency medical aid for all injured persons when it is safe for the officer to do so.

b. The conservation officer should notify local law enforcement authorities of the incident and advise them that the persons involved are under arrest, if appropriate, and request that a crime scene investigation be initiated.

c. Prior to giving any oral or written statements to anyone, including the investigative agency at the scene, the conservation officer should contact his/her immediate supervisor. Every effort shall be made to ensure that the conservation officer has been afforded reasonable time to regain composure and is capable of understanding his/her rights before he/she is required to make any statements.

d. Upon receipt of the conservation officer's notification, the immediate supervisor or other designated person shall:

(1) Report to the scene of the incident or to wherever the involved conservation officer is located. If the immediate supervisor is unable to report in a timely manner, the supervisor will arrange for his representative to immediately report to the scene or the conservation officer's location.

(2) If the supervisor or his representative deems it appropriate, he/she will take custody of all firearms that have been discharged by the conservation officer during the incident and retain them in the supervisor's custody until the conclusion of the BOR investigation, unless the weapons are being held by a local law enforcement agency. All such weapons shall be made available to the BOR for testing and other uses if the BOR deems appropriate.

3. BOR. Whenever a conservation officer is involved in a use-of-force incident, where serious bodily injury has occurred or where the conservation officer has discharged a firearm, excluding discharges during training and for non-law enforcement purposes; a BOR shall be impaneled to gather information and facts, conduct interviews, document the incident, and make recommendations concerning administrative actions that may be

taken by the Marine Corps as a result of the incident. It is the responsibility of the base chief conservation officer, in consultation with the NCIS Special Agent in charge for the base wherein the incident occurred, to insure that the BOR is impaneled within 72 hours of the reported incident.

## SECTION II: BOR COMPOSITION

A. The BOR shall consist of three persons. If the paragraph below applies, select as follows:

1. The training officer assigned to Natural Resources Enforcement Section of the installation.

2. A supervisor within the natural resource directorate for the Marine Corps, who is not the conservation officer's immediate supervisor. The chief law enforcement officer for the installation in which the involved conservation officer is located shall select this person. A representative from NCIS will be invited to participate on the BOR.

3. A special agent or conservation officer of the involved conservation officer's choosing.

B. If the incident involves the discharge of firearms or the use of force by more than one officer, the BOR will be expanded to five members, with the two additional members selected as one by the chief law enforcement officer of the installation, and one by the conservation officers involved. A representative from NCIS will be invited to participate on the BOR.

C. BOR Responsibilities. The purpose of the BOR is to ascertain if Marine Corps policy has been followed, and if the Marine Corps, because of the incident, should take any administrative action. The BOR is not responsible for any criminal or civil investigation that may be initiated because of the incident. It shall be the responsibility of the supervisor specified in paragraph A.2, above, to prepare the BOR reports.

1. The written report prepared by the BOR will only document and draw conclusions regarding the applicability of Marine Corps policies, and whether or not these policies may have been violated.

2. The final report prepared by the BOR shall have the concurrence of a majority of the board members, and be signed by those concurring members. Any member that disagrees with the findings and recommendations of the board will submit a minority report. The final report(s) shall be submitted within 30-days of empanelment to the officer's supervisor.

3. It shall be the responsibility of the supervisor specified in paragraph A.2, above, to provide copies of the final BOR report to the officer(s) involved in the incident, the appropriate personnel within the chain of command, and Headquarters Marine Corps Security Division (CMC/PP&O/PS).

D. Administrative Leave. Whenever a conservation officer has been involved in a use-of-force incident where serious bodily injury or death has occurred, the conservation officer will be placed on administrative leave with full pay pending the conclusion of the review by the BOR. The involved conservation officer may be returned to restricted or non-restricted duties prior to the completion and submission of the BOR's report when the chief law enforcement officer and conservation officer's direct supervisor concur that it is appropriate.

E. Statements by Officers. All statements, either oral or written, **required** to be made by conservation officers as a condition of employment to their supervisors or the BOR are for internal administrative purposes **ONLY**. Any conservation officers involved in a use-of-force incident will be afforded up to 48 hours to seek private legal counsel prior to making any statements. Should the conservation officer retain private counsel, it will be at the conservation officer's own expense. If retained, private counsel may be present during any questioning of the involved conservation officer, and may provide assistance with the preparation of all oral and written statements.

F. Psychological Counseling

1. The Marine Corps shall make available to all conservation officers and their immediate families, at no cost

to them, psychological counseling from a licensed mental health professional whenever the conservation officer has been involved in a use-of-force incident or other traumatic incident that has affected the conservation officer or his/her family. The use of this resource is entirely at the discretion of the conservation officer or his/her family, except that the Marine Corps may require such counseling when making a fitness for duty determination. The psychological counseling provided by the Marine Corps shall be of a reasonable duration and is intended to assist the conservation officer and his/her family in dealing with the initial shock or psychological trauma that may result from the incident. The conservation officer may also obtain counseling from anyone he/she desires, but at the conservation officer's own expense.

2. Health care professionals involved in providing psychological counseling, absent a court order, will not divulge the contents of any discussions they have had with the conservation officer or members of his/her family to any investigative body. The only exception to this will be the requirement to offer comments to the Marine Corps as to the conservation officer's fitness for duty.